

REMARKS

Claims 1, 3-6, 8-22, 25, 26, and 28-38 are pending in the application. All of such claims have been rejected by the Examiner under Section 103 of the patent statute. By way of this Amendment, Claims 1, 4, 6, 14, 21, 22, 28, and 35 have been amended.

35 U.S.C. § 103(a) REJECTION OF CLAIMS 1, 14, 19-22, 25, 28, 33-35, 37, AND 38 OVER BOBRICK IN VIEW OF MARSHALL

The Examiner rejected claims 1, 14, 19-22, 25, 28, 33-35, 37, and 38 under 35 U.S.C. § 103(a) as being unpatentable over Bobrick in view of U.S. Patent No. 1,625,041, issued to Marshall. Applicant respectfully traverses this rejection.

Applicant has amended all of the independent claims to overcome the Section 103 rejections. Specifically, using Claim 1 as an example, Applicant has recited a “three-dimensional base extending downwardly and outwardly from the three-dimensional member, the base having a peripheral edge shaped to coincide with a scaled space envelope desired for movement of a wheelchair . . .” This language defines over the Bobrick and Marshall references cited. None of the references include a downwardly and outwardly extending three-dimensional base with a peripheral edge defining a space envelope. The Bobrick reference shows a two-dimensional transparent sheet while the Marshall reference shows figurines that include, in some cases, small bases. The bases in the Marshall reference are sized as small as possible to recreate a life-like depiction of an accident scene and thus, do not teach having an outwardly extending base shift to coincide with a scaled space envelope as recited in the claims as amended. The shaped based with a peripheral edge is able to move across a design plan of a known scale for functional space planning. Because such base is not taught or suggested by the references cited, Applicant submits that the claims, as amended, are patentable over the references.


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35 U.S.C. § 103(a) REJECTION OF CLAIMS 3-6, 8, 9, 11-13, 15, 16, 26, 31, 32, AND 36 OVER BOBRICK, MARSHALL, AND STANSBURY

The Examiner has cited the Stansbury reference as disclosing a roller measure device with a wand/handle member. Applicant questions the combinability of Stansbury, which is a full size device not scaled for measuring distances on a plan. However, for the reasons discussed above with regard to Bobrick and Marshall, Applicant believes that these claims are also allowable over the combination of Bobrick, Marshall, and Stansbury.

35 U.S.C. § 103(a) REJECTION OF CLAIMS 10 AND 17 OVER BOBRICK, MARSHALL, STANSBURY AND RIEHLE

The Examiner has added the Riehle reference for the teaching of metal plates and magnetic elements. As discussed above with regard to Bobrick and Marshall, Claims 10 and 17 depend from claims amended herein and are also allowable for the reasons discussed above.

CONCLUSION


Applicant thanks the Examiner for the courteous interview granted on January 11, 2005. In the interview, the Applicant's attorney discussed Claim 1 as amended herein vis-a-vis the Bobrick and Marshall references. Applicant's attorney thanks the Examiner for his indication that such an amendment may receive favorable treatment.

Applicant submits that the claims are patentable over the prior art. Accordingly, Applicant respectfully requests reconsideration of the application and allowance of the claims.

The Examiner is invited to contact the undersigned should direct communication on this matter be deemed helpful to facilitate progression of the case.

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